

The purpose of this thesis is to analyse the concept of “business trip”. The reason for choosing this topic is the fact that business trip is a conception of public knowledge. My thesis aims at delivering a comprehensive overview of the legal regulations governing the given legal issue.

The thesis is composed of eleven chapters, each of them dealing with different aspects of the business trip concept and the related concepts. The Introduction studies in particular the development of labour law in our country.

Chapter One deals with changes in the employment relationship. It is subdivided into two parts, where the Part One defines the term “employment”, and the Part Two deals with the specific kinds of changes in the employment – i.e. changes in the subject of a labour relation, and changes in the contents of a labour relation. Besides business trips, a change in the contents of a labour relation can be also a transfer of the employee to another work or place.

Chapter Two describes the history of the legislation related to the business trips.

Part One deals with the legislation under the old Labour Code (Act No. 65/1965 Coll.) until the amendment of 2000, where the employer was able to send an employee to a business trip without the employee’s consent. Part Two examines the legislation under the Labour Code after the above mentioned amendment of 2000, where sending an employee to business trips was conditioned by an agreement in the employment contract. Part Three addresses the present legislation contained in Act No. 262/2006 Coll., the Labour Code, under which the employer may send an employee to business trips only by agreement with him/her.

Chapter Three focuses on the crucial terms related to the business trip concept.

Part One specifies the term “place of work”, which is an essential requirement of each employment contract, and Part Two details the term “regular place of work”, which is closely related to reimbursement of travel cost and their provision.

Chapter Four investigates detailed conditions for sending employees to business trips. Part One deals with the condition of an agreement with the employee. The law

provides that an employer may send its employee to a business trip only upon mutual agreement with him/her. Part Two addresses the duration of a business trip, where the Labour Code limits the duration of business trips only to a minimum necessary time. However, the law does not specify this term in detail. Part Three states further conditions for sending to business trips, which might influence the provision and amount of the travel expense compensation and specify the business trip in higher detail. These include for instance the start time and end time of the business trip, or the method of transport and accommodation.

Chapter Five describes the instructions for business trips, which are given in particular by the chief employee sending the employee to the business trip. However, on conditions stipulated by law, they may be given also by a chief employee of another employer, to whom the employee is sent on the business trip. In this chapter, I perform a brief analysis of the similarity with the concept of agency employment.

Chapter Six details the process of a business trip. Part One focuses the working hours at the business trip. In general, it is governed by the same rules as if the employee was not on the business trip. Part Two dealing with the fulfilment of work assignments introduces in particular the judicial act of the Supreme Court of the Czech Republic, dealing with the work discipline on the business trip. Part Three describes the possibility of interruption of the business trip, now explicitly allowed by the current Labour Code.

Chapter Seven is dealing with the kinds of business trips, where Part One contains subdivision to the domestic and foreign travels, and Part Two explains the term “business trip” as a legal abbreviation used by the legislators in connection with the provision of reimbursement for travel expenses.

Chapter Eight examines reimbursement of travel cost, which is closely related to the business trip concept. Part One focuses on the legal regulation of this concept, which is now part of the Labour Code. Part Two already analyses the individual kinds of reimbursements of travel cost, such as refund of travel expenses, refund of travel expenses for visiting the family member, refund of accommodation expenses, boardingout allowance, refund of necessary incidental expenses. Part Three deals with account

of travel cost reimbursement – the employer is basically obligated to provide an advance to the employee for the travel cost, where the Labour Code also allows for lump sum travelling allowance. Part Four contains a brief note about travel expenses

reimbursement under an international agreement or under an agreement on mutual exchange of employees with a foreign employer. Part Five deals with tax issues related to travel expenses reimbursement, and Part Six deals with the possible application of a different legal regulation than the one governing the labour relations. Chapter Nine contains the related concept of employee posting. Part One analyses the legal regulations and conflicting nature of the provisions of Section 319 of the Labour Code. Part Two specifies the personal scope, i.e. which employees are affected by the given provision, Part Three specifies the factual scope, i.e. what working conditions the employer must guarantee to the posted employees independently of the law governing the labour relation. Part Four specifies the individual conditions, such as the maximum working time, minimum wage, or equal treatment and prohibition of discrimination. Part Five deals with exceptions from the regime of comparing the working conditions. Parts Six and Seven mention the judicature of the European Court of Justice regarding this issue. Chapter Ten briefly analyses a journey of duty, a concept established in Act No. 218/2002 Coll., the Service Code. The regulation contained in the Act is stricter for public servants, as they may be sent to a journey of duty even without their consent. However, this act has not come into force yet and until it comes, journeys of duty in case of civil servant shall be governed by the Labour Code. Chapter Eleven uses the comparison method for comparing the Czech legal regulations with the Slovak legal regulations (Part One), and the German legal regulations (Part Two), where we may state that there are no substantial differences between the individual legal regulations. Conclusions of my thesis summarises the individual chapters and present suggested improvements of the legislation. An example of such suggestions of that an agreement on sending an employee to business trip would not have to be in the place where sending to business trips is logically integrated in the agreed job specification

(sale representative, truck driver, ...). In my opinion, the thesis meets the set objectives, since it provides a comprehensive view on the concept of business trips.